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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,263	12/28/2000	David S. Bormann	42390.P9734	1227

7590 03/21/2005

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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,263

Applicant(s)

BORMANN ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 1/3/05).
2. Claims 3, 4 and 8 have been cancelled. Claims 1, 2, 5-7 and 9-15 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 5-7 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyudou (U.S. Patent No. 6,496,507).
5. Regarding claim 1, Nyudou teaches a method comprising:

identifying a power state of a first system (first storage section) [col. 5, lines 12-17; col. 8, lines 23-29; col. 12, lines 57-61], the power state to be one of at least a first (operating state) and second power states (standby state), the second power state to consume less power than the first power state (standby state always consume less power than operating state) [Fig. 5; col. 5, lines 12-17; col. 10, lines 25-33]; and

in response to the first system being in the second power state (when the first storage section is designated as a standby system), switching a link from the first system to a link with an autonomous subsystem (second storage section) [Fig. 5; col. 8, lines 23-39; col. 10, lines 23-33; col. 12, lines 52-61].

Though Nyudou does not explicitly disclose that the link is switched without using a main operating system, Nyudou also does not disclose that the switching operation is controlled by a main operating system. Nyudou disclose that the switching operation is controlled by a switching section [col. 8, lines 29-30; col. 10, lines 28-33]. Therefore, Nyudou implicitly teaches that the link is switched without using a main operating system as claimed

Nyudou does not explicitly teach the switching method is used for switching a SATA link. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Nyudou (system control section, switching section) for switching the connection between any two systems.

6. Regarding claim 2, Nyudou teaches that the power states of the system are ON state [operating] and standby state [standby]. Therefore, the power states taught by Nyudou corresponding to ACPI S states.

7. Regarding claims 5 and 6, Nyudou teaches that switching to the first system if the ACPI state is S0 (on) [col. 10, lines 25-33], and switching to the subsystem if the ACPI state is S3 or S4 (standby) [col. 10, lines 25-33].

8. Regarding claim 7, Nyudou teaches the claimed method steps. Therefore, Nyudou teaches the instructions for carrying out the claimed method steps.

9. Regarding claims 9-15, Nyudou teaches the claimed method steps. Therefore, Nyudou teaches the apparatus to implement the claimed method steps.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 9:30 AM - 8:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Thuan N. Du
March 19, 2005